IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FIRST DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 14307 of 2000

Between:

Dr. K.Eswar Goud, S/o Bheema Goud,
R/o Flat No. C , II Floor , Sree Rama Complex ,

H.No. 1-8-53/1 , Chikkadapally , Hyderabad.

..... PETITIONER

AND

1 Union of India, Rep by its Secretary,
Ministry of Food and consumers Affairs , New Delhi.

2 District Consumer Disputes Redressal Forum,
Warangal .

3 A.Suresh Goud, S/o Komaraiah,
R/o Mylavaram Village , Ushanpally Post ,
Chayampet Mandal, Warangal District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ or order, more particularly in the nature of writ of Mandamus declaring the action of the 2nd respondent Dist. Consumer Forum, Warangal to take up execution of order in PP 30/2000 in CD 246/95 on its file in the absence of non functioning of A.P State Consumer Forum, Hyderabad i.e Appellate Authority as illegal, arbitrary, null and void and set aside the proceedings in PP 30/2000 in CD 246/95 on the file of the 2nd respondent and pass such other or further orders as this

Hon'ble Court may deem fit.

For the Petitioner: MR. A.BICHAIAH, Advocate.

For the Respondent No.1: MR.A. Rajasekhara Reddy, Central Government Standing Counsel.

For Respondent No. 2: Government Pleader for Civil Supplies.

For Respondent No. 3: None appeared.

The Court made the following Order: (Per Sri B. Sudershan Reddy, J)

The petitioner claims to have preferred an appeal in F.A No. 182 of 2000 on the file of the State Consumer Disputes Redressal Commission (for short 'the Commission'), Hyderabad as against the order made in C.D No. 246 of 1995 dated 06.01.2000 on the file of the District Consumer Forum, Warangal.

Since the petitioner had already availed the remedy by filing the appeal, the same is required to be disposed of by the Commission on its own merits. This writ petition has been filed by the petitioner on the ground that at the relevant time, on account of the resignation of the President, the Commission was not functioning due to lack of quorum on account of which the appeal preferred by him could not be taken up for admission. There are no legal impediments as on the day. It is for the petitioner to prosecute the appeal preferred by him and obtain appropriate orders from the Commission. The petitioner, however, shall have the benefit of the interim order passed by this court for a period of eight weeks from today.

The Writ Petition shall accordingly stand dismissed with the observations as above. No order as to costs.

(B. Sudershan Reddy, J)

01..11..2004

(K.C. Bhanu, J)

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SECTION OFFICER

To

1 Secretary, Ministry of Food and consumers Affairs,

Union of India, New Delhi.

2 The President, District Consumer Disputes Redressal Forum,
Warangal .

3 Two CCs to the Government Pleader for Civil Supplies,

High Court of Andhra Pradesh, Hyderabad (OUT).

4 Two CD copies.